

ORDINANCE NO. 09-35

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A VOCATIONAL SCHOOL PURSUANT TO HIALEAH CODE §98-181(2)i, ON PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 3680 WEST 16 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 25, 2009, recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a conditional use permit (CUP) to allow a vocational school pursuant to Hialeah Code §98-181(2)i., on property zoned M-1 (Industrial District). The property is located at 3680 West 16 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

A PARCEL OF LAND SITUATE IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ALSO BEING A PORTION OF TRACT 17 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 IN DADE COUNTY, FLORIDA" AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEASTERLY CORNER OF TRACT 19 OF "FLORIDA FRUIT LANDS COMPANY'S SUBIDIVISION NO. 1 IN DADE COUNTY, FLORIDA", AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT 19, NORTH 8959'57" WEST A DISTANCE OF 20.01 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WEST 16TH AVENUE (A 70.00 FOOT WIDE RIGHT-OF-WAY), SAID RIGHT-OF-WAY LINE BEING 20.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, AND PRALLEL TO THE EASTERLY LINE OF SAID TRACTS 17, 18 AND 19; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF N.W. 16TH AVENUE, NORTH 0126'15" WEST A DISTANCE OF 706.15 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF WEST 16TH AVENUE, NORTH 9000'00" WEST A DISTANCE OF 273.45 FEET; THENCE NORTH 0000'00" EAST A DISTANCE OF 249.34 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST

37TH STREET (A 70.00 FOOT WIDE RIGHT-OF-WAY), SAID RIGHT-OF-WAY LINE BEING 35.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL TO THE NORTHERLY LINE OF SAID TRACT 17; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 37TH STREET, SOUTH 89°58'02" EAST A DISTANCE OF 242.83 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.62 FEET THROUGH A CENTRAL ANGLE OF 88°31'47" TO A POINT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST 16TH AVENUE; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST 16TH AVENUE, SOUTH 01°26'15" EAST A DISTANCE OF 224.90 FEET TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

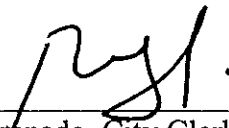
PASSED and ADOPTED this 28th day of April, 2009.

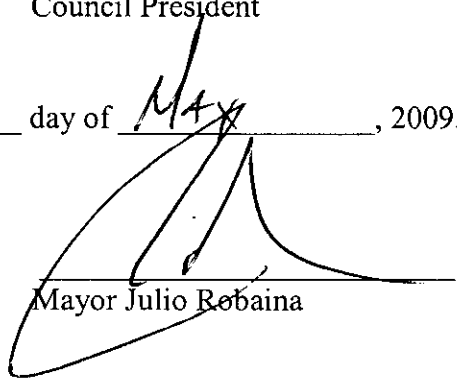
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

Attest:

Approved on this 1 day of May, 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".



CFN 2009R0350348
DR Bk 26865 Pgs 0105 - 1071 (3pgs)
RECORDED 05/13/2009 15:12:11
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by: City of Hialeah
Planning and Zoning Division
501 Palm Avenue, Second Floor
Hialeah, Florida 33010

DECLARATIONS OF RESTRICTIONS (CORPORATE)

This Declaration of Restrictions executed this 31 day of MARCH, 2009, by HIALEAH SPEEDWAY LIMITED & RIKHARD W. OGDEN
("Owner(s)").

WITNESSETH:

WHEREAS, the undersigned, HIALEAH SPEEDWAY, LIMITED, a
FLORIDA corporation, is the fee simple owner of the following described property
located in the City of Hialeah, Florida:
SEE EXHIBIT A

Property address: 3680 W. 16 AVENUE, HIALEAH, FL

NOW, THEREFORE, for good and valuable consideration, the undersigned owner(s)
hereby covenant(s) and agree(s) as follows:

1. The use of the property shall be limited as follows:
FOR A MIAMI DADE COLLEGE EDUCATIONAL FACILITY
LOCATED AT 3680 W. 16 AVENUE, HIALEAH.

2. This covenant is intended and shall constitute a restrictive covenant concerning
the use, enjoyment, and title to the above-described property and shall constitute a covenant
running with the land and may be recorded in the Public Records of Miami-Dade County,
Florida. This covenant shall remain in full force and effect and shall be binding upon the
undersigned, its (their) heirs, successors and assigns until such time as the same is modified,
amended or released and may only be modified, amended or released by a written instrument
executed by the then owner having fee simple title to the property affected or to be affected by
such modification, amendment, or release; provided, however, the same is also approved by the
City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon
advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise
provided in the Hialeah Charter.

Handwritten initials and signature: *OGDEN* and *B*

3. The use of the property shall be in compliance with all ordinances, regulations, codes and charter of the City of Hialeah and applicable state and federal law and laws and regulations of Miami-Dade County, Florida.

IN WITNESS WHEREOF, We have hereunto set our hands and seals at
501 Palm Avenue, Hialeah this 31 day of March, 2009.
(Location)

Signed, sealed and delivered in the presence of:

Attest: _____
Corporate Secretary

Typed/Printed Name

CORPORATE NAME: TROPICANA HIALEAH, INC.

By: _____

President:

RICHARD W. OGDEN

Typed/Printed Name



Debra Mendez
Witness

Typed/Printed Name DEBRA MENDEZ

Isabel Campuzano
Witness

Typed/Printed Name ISABEL CAMPUZANO

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me on this 31 day of March by
Richard W. Ogden, as President, and N/A, as Secretary, of
(Name of Officer or Agent) (Name of Secretary)

Tropicana Hialeah Inc a Florida corporation, on behalf of the corporation.
(Name of Corporation) (State of Incorporation)

They are personally known to me or have produced the following Personally Known as
identification and did (did not) take an oath and attested to the truth and accuracy of the representations
contained herein.

Patricia Chaiken
Signature of _____

PATRICIA CHAIKEN

MY COMMISSION # DD394525

Name of Notary Typed, Printed, or Stamped
Commission

EXHIBIT A

Outparcel 2 Legal Description

A PARCEL OF LAND SITUATE IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ALSO BEING A PORTION OF TRACT 17 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 IN DADE COUNTY, FLORIDA", AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 1.54 ACRES, MORE OR LESS.